

**WILLIAMSBURG  
BOARD OF ZONING APPEALS  
MINUTES**

**August 2, 2005**

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Tuesday, August 2, 2005 at 4:00 p.m. in the Williamsburg Municipal Building, 401 Lafayette Street.

**ATTENDANCE**

Present were Board members Knudson, Kafes, Carr and Lamson. Ms. White was absent. Staff members present were Zoning Administrator Murphy and Assistant City Attorney Workman.

**CALL TO ORDER and MINUTES**

Chairman Knudson called the meeting to order. Mr. Carr moved that the minutes of the July 5, 2005 meeting be approved. Mr. Lamson seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye: Lamson, Carr, Knudson, Kafes  
No: None  
Absent: White

**PUBLIC HEARINGS**

**BZA #05-015:** Request of Lone-G Inc. to appeal the decision of the Zoning Administrator contained in a letter dated April 26, 2005 determining that 101 Chandler Court is a single-family dwelling. The property is identified on Williamsburg Tax Map Number 495-0A-00-016, and is zoned Single Family Dwelling District RS-2.

Chairman Knudson introduced the appeal and noted the following Board members have visited the site:

Knudson, Kafes, Carr and Lamson

John Tarley, Attorney representing the applicant requested the Board to table the application until their next meeting in September to allow him time to investigate the following:

- If prior owners had legally established any nonconforming rights;
- If prior owners used the property as some type of rental units and when;
- If prior owners ever established any uses beyond a single-family dwelling;
- Whether prior uses was applicable to the Zoning Ordinance.

He noted that the applicant must meet the burden of establishing the uses back from 1947 and if uses can be established they must then determine if the uses continued without a two year lapse.

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Mr. Kafes noted the burden and moved to table the request until September. Mr. Lamson seconded the request.

Ms. Workman noted that if the Board wished to hear public comment at this meeting that the motion to table the request would prevent any public comment.

Mr. Kafes and Mr. Lamson agreed to delay the motion until public comment.

Chairman Knudson opened the public hearing.

Jennifer Quarles, 116 Chandler Court spoke in favor of upholding the Zoning Administrator's decision noting she has lived across the street from the subject property for the last five years noting that when Dave Andrews lived on the property the property was quiet with minimal disturbance to the neighbors. She noted her surprise of three units and only noticed an increase in the number of occupants when Mr. Granger renovated the property. With the renovations the number of cars has increased to 5-6 next to the Plumeri House with nine occupants in the dwelling. She expressed a concern with new parking created this week and the effects of the traffic and transient residents to the neighborhood. She noted that Lone-G, Inc. has used the property differently than Dave Andrews and that the Board should enforce the Zoning laws in the City.

John Alewynse, 129 Chandler Court spoke in favor of upholding the Zoning Administrator's decision on the case as noted in his letter which was submitted to the Board concerning this request.

David Kranbuehl, 201 Harrison Avenue spoke in favor of upholding the Zoning Administrator's decision noting he has lived in the City for the past 35 years within a block of the college noting that Ms. Quarles has lived in the area for the past five years and knows how the house was occupied. He expressed his disappointment in tabling the request and is concerned that the applicant could obtain permits for renovations to the building.

Victor Smith, 140 Chandler Court spoke in favor of upholding the Zoning Administrator's decision that he has lived at this location for the past 17-18 years and the property has not been used as a multi-family dwelling. He noted there has only been one or two renters at this location and that a multi-family use is inappropriate for this historic neighborhood.

Barbara Spangler, 310 Burns Lane, asked if Mr. Granger accepted the Board's decision could he reapply.

Ms. Workman noted that once the Board of Zoning Appeals makes a determination that either Mr. Granger or the City has the right to appeal the Board's decision to Circuit Court.

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Stuart Goddin, 715 Goodwin Street expressed his disappointment in postponing the request that the applicant has had since April to provide additional documentation and with new students renting the building how do you get the students out if the applicant cannot prove he has nonconforming rights.

Ms. Workman noted the City would take the necessary steps to enforce the Zoning Ordinance when the administrative process has been completed.

Mr. Kafes moved to continue the public hearing and table the request until the September meeting. Mr. Lamson seconded the motion which carried by a vote of 4-0.

**BZA #05-016:** Request of Aran, Donais and Dione Lee for a special exception to allow the rental of three bedrooms to visitors in accordance with Section 21-605 of the Zoning Ordinance. The property is located at 800 Jamestown Road, Williamsburg Tax Map Number 494-(01)-00-002,3 and is zoned Single Family Dwelling District RS-2.

Chairman Knudson introduced the request for a special exception and noted the following Board members have visited the site:

Knudson, Kafes, Carr and Lamson

Aron Lee, owner stated the special exception was required because the new property owners would like to operate a room rental to visitors in accordance with Section 21-605 of the Zoning Ordinance. He noted the Board of Zoning Appeals approved a similar request for the property in 1996.

Chairman Knudson opened the public hearing. There being no comment the public hearing was closed.

On the motion of Mr. Kafes, seconded by Mr. Lamson, which carried by a vote of 4-0, the following resolution was adopted:

WHEREAS, Aran, Donais and Dione Lee have submitted an application BZA #05-16 requesting a special exception from Section 21-605 of the Zoning Ordinance to operate a three bedroom rental to visitors.

WHEREAS, the property is located at 800 Jamestown Road, Williamsburg Tax Map Number 494-(01)-00-002,3 and is zoned Single Family Dwelling District RS-2; and

WHEREAS, the City of Williamsburg Board of Zoning Appeal conducted a public hearing on this request on August 2, 2005; and

WHEREAS, after careful consideration of the pertinent issues subsequent to the public hearing, the Board has determined the following:

- (a) A hardship would result from the denial of the special exception.

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- (b) It is designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
- (c) It does not unreasonably impair an adequate supply of light and air to adjacent property;
- (d) It does not increase public danger from fire or otherwise unreasonably restrict public safety;
- (e) It does not impair the established property values in surrounding areas.

NOW, THEREFORE, BE IT RESOLVED by the City of Williamsburg Board of Zoning Appeals on this the 2nd day of August 2005 that the request of Aran, Donais and Dione Lee for a special exception to operate a three bedroom rental to visitors in accordance with Section 21-605 of the Zoning Ordinance is hereby approved conditioned upon the Zoning Administrator verifying the landscaping and fencing as shown on the landscape plan has been installed per the landscape plan.

Recorded vote on the motion:

Aye: Knudson, Kafes, Carr, Lamson

No: None

Absent: White

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**OTHER**

There being no further business the meeting adjourned at 4:20 p.m.

Respectfully submitted,

Judith Knudson, Chairman  
Board of Zoning Appeals